

109TH CONGRESS  
2D SESSION

# H. R. 5861

To amend the National Historic Preservation Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2006

Mr. PEARCE introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To amend the National Historic Preservation Act, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Historic Pres-  
5       ervation Act Amendments of 2006”.

6       **SEC. 2. DETERMINATION OF ELIGIBILITY.**

7       The text of section 106 of the National Historic Pres-  
8       ervation Act (16 U.S.C. 470f) is amended to read as fol-  
9       lows:

10       “(a) A Federal agency shall not require an applicant  
11       for Federal assistance, licenses, or permits to take into

1 account the effects of a Federal undertaking that occur  
2 outside the area of potential effects as determined by the  
3 Federal agency in accordance with the regulations imple-  
4 menting this section.

5 “(b) If a State Historic Preservation Officer or a  
6 Tribal Historic Preservation Officer fail to concur within  
7 30 days of receipt of an adequately documented finding  
8 of either ‘no historic properties affected’ or ‘no adverse  
9 effect’, as provided in the regulations implementing this  
10 Act, the applicant or agency may proceed with the under-  
11 taking in accordance with the findings.”.

12 **SEC. 3. ADDITIONAL CRITERIA FOR CERTIFICATION OF**  
13 **LOCAL GOVERNMENTS TO CARRY OUT NA-**  
14 **TIONAL HISTORIC PRESERVATION ACT.**

15 Section 101(c)(1) of the National Historic Preserva-  
16 tion Act (16 U.S.C. 470a(c)(1)) is amended—

17 (1) by striking “and” at the end of subpara-  
18 graph (D);

19 (2) by redesignating subparagraph (E) as sub-  
20 paragraph (F);

21 (3) by inserting after subparagraph (D) the fol-  
22 lowing new subparagraph:

23 “(E) agrees that it shall not use any eligi-  
24 bility determination regarding the inclusion of  
25 property or District on the National Register to

1           initiate local regulatory requirements unless the  
 2           entity provides full due process protection to  
 3           the owner or owners of the property or District  
 4           through a hearing process; and”; and

5           (4) in the matter below the subparagraphs, by  
 6           striking “through (E)” and inserting “through (F)”.

7   **SEC. 4. HISTORIC PRESERVATION FUND.**

8           Section 108 of the National Historic Preservation Act  
 9   (16 U.S.C. 470h) is amended by striking “2006” and in-  
 10   serting “2015”.

11   **SEC. 5. ADVISORY COUNCIL ON HISTORIC PRESERVATION.**

12           (a) MEMBERSHIP.—Section 201 of the National His-  
 13   toric Preservation Act (16 U.S.C. 470i) is amended—

14           (1) in subsection (a)(4), by striking “four” and  
 15           inserting “seven”;

16           (2) in subsection (b), by striking “(5) and (6)”  
 17           and inserting “paragraph (6)”; and

18           (3) in subsection (f), by striking “Nine” and in-  
 19           serting “Eleven”.

20           (b) FINANCIAL AND ADMINISTRATIVE SERVICES.—

21   Section 205(f) of such Act (16 U.S.C. 470m(f)) is amend-  
 22   ed to read as follows:

23           “(f) Financial and administrative services (including  
 24   those related to budgeting, accounting, financial reporting,  
 25   personnel and procurement) shall be provided the Council

1 by the Department of the Interior or, at the discretion  
2 of the Council, such other agency or private entity that  
3 reaches an agreement with the Council, for which pay-  
4 ments shall be made in advance or by reimbursement from  
5 funds of the Council in such amounts as may be agreed  
6 upon by the Chairman of the Council and the head of the  
7 agency or, in the case of a private entity, the authorized  
8 representative of the private entity that will provide the  
9 services. When a Federal agency affords such services, the  
10 regulations of that agency for the collection of indebted-  
11 ness of personnel resulting from erroneous payments, pre-  
12 scribed under section 5514(b) of title 5, United States  
13 Code, shall apply to the collection of erroneous payments  
14 made to or on behalf of a Council employee, and regula-  
15 tions of that agency for the administrative control of funds  
16 under sections 1513(d) and 1514 of title 31, United  
17 States Code, shall apply to appropriations of the Council.  
18 The Council shall not be required to prescribe such regula-  
19 tions.”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 212(a) of such Act (16 U.S.C. 470t(a)) is amended by  
22 striking “in each fiscal year 1997 through 2005” and in-  
23 serting “for fiscal year 2006, \$5,000,000 for each of the  
24 fiscal years 2007 and 2008, and \$6,000,000 for each of  
25 the fiscal years 2009 through 2015”.

1 **SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSIST-**  
2 **ANCE PROGRAMS IN MEETING PURPOSES**  
3 **AND POLICIES OF THE NATIONAL HISTORIC**  
4 **PRESERVATION ACT.**

5 The National Historic Preservation Act is amended  
6 by inserting after section 215 (16 U.S.C. 470v–1) the fol-  
7 lowing new section:

8 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-**  
9 **SISTANCE PROGRAMS.**

10 “(a) COOPERATIVE AGREEMENTS.—The Council may  
11 enter into a cooperative agreement with any Federal agen-  
12 cy that administers a grant or assistance program for the  
13 purpose of improving the effectiveness of the administra-  
14 tion of such program in meeting the purposes and policies  
15 of this Act. Such cooperative agreements may include pro-  
16 visions that modify the selection criteria for a grant or  
17 assistance program to further the purposes of this Act or  
18 that allow the Council to participate in the selection of  
19 recipients, if such provisions are not inconsistent with the  
20 statutory authorization and purpose of the grant or assist-  
21 ance program.

22 “(b) REVIEW OF GRANT AND ASSISTANCE PRO-  
23 GRAMS.—The Council may—

24 “(1) review the operation of any Federal grant  
25 or assistance program to evaluate the effectiveness

1 of such program in meeting the purposes and poli-  
2 cies of this Act;

3 “(2) make recommendations to the head of the  
4 Federal agency that administers such program to  
5 further the consistency of the program with the pur-  
6 poses and policies of this Act and to improve its ef-  
7 fectiveness in carrying out those purposes and poli-  
8 cies; and

9 “(3) make recommendations to the President  
10 and the Congress regarding the effectiveness of Fed-  
11 eral grant and assistance programs in meeting the  
12 purposes and policies of this Act, including rec-  
13 ommendations with regard to appropriate funding  
14 levels.”.

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